

Decision 04-03-018 March 16, 2004

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of Mohammad Yoonos, dba Discount Shuttle, to transfer its passenger stage authority (PSC-14336) to Discount Shuttle L.L.C., and to requests authority to extend (PSC-14336) to include San Diego Airport (SAN), Palm Springs Airport (PSP), and the counties of San Diego and Ventura.

Application 03-12-013
(Filed December 10, 2003)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Public Utilities (Pub. Util.) Code § 851 et seq., a passenger stage corporation (PSC) certificate from Mohammad Yoonos (Transferor), an individual, to Discount Shuttle L.L.C. (Transferee), a limited liability company, and to extend the service area of the PSC certificate, pursuant to Pub. Util. Code § 1031.

Discussion

Transferor is authorized by Decision (D.) 03-02-056 to operate as a passenger stage corporation (PSC-14336) to transport persons and their baggage on an on-call basis between points in Los Angeles, Orange, San Bernardino, and Riverside Counties, on the one hand, and Los Angeles International (LAX), Long Beach (LGB), Burbank (BUR), Ontario International (ONT), and John Wayne (SNA) Airports, on the other hand.

This application requests approval to transfer the PSC certificate to Transferee. For liability reasons, Transferor wishes to change his form of

business organization to a limited liability company. There will be no change in management.

Transferee requests to extend the service area of the PSC certificate to include transportation between points in Ventura County, on the one hand, and LAX, LGB, BUR, ONT, and SNA, on the other hand; and between points in San Diego County, on the one hand, and LAX, ONT, and SNA, on the other hand. Additionally, Transferee wishes to provide airport-to-airport shuttle service between seven airports—the five described above plus Palm Springs Airport (PSP) and San Diego International Airport (SAN). Transferee states it needs to expand the service to stay competitive and to provide better and more efficient service to the public. The existing service is operated with four vans. Transferee indicates it will acquire any additional units required to meet the public's transportation needs. Attached to the application as Exhibit D is an unaudited balance sheet as of October 1, 2003, that discloses assets of \$150,000, liabilities of \$21,000, and net worth of \$129,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on December 12, 2003. Notice of this application was served on the affected regional transit districts and the airports, counties and cities within whose boundaries the passengers will be loaded or unloaded.

In Resolution ALJ 176-3125 dated December 18, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3125.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.03-02-056. Transferor requests approval to transfer his authority to Transferee.
2. The proposed transfer will not be adverse to the public interest.
3. Transferee requests to extend the PSC authority to include service between points in Ventura County, on the one hand, and LAX, LGB, BUR, ONT, and SNA, on the other hand; between points in San Diego County, on the one hand, and LAX, ONT, and SNA, on the other hand; and between LAX, BUR, LGB, ONT, SNA, SAN, and PSP.
4. Public convenience and necessity requires the proposed new service.
5. No protest to the application has been filed.
6. A public hearing is not necessary.
7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. Public convenience and necessity has been demonstrated and the request to extend the authority should be granted.
3. Since the matter is uncontested, the decision should be effective on the date it is signed.
4. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Mohammad Yoonos (Transferor), an individual, may transfer his certificate of public convenience and necessity (CPCN) to operate as a passenger stage corporation (PSC) specified in this application to Discount Shuttle L.L.C. (Transferee), a limited liability company, and Transferee is authorized to extend the CPCN to operate as a PSC, subject to the conditions contained in the following paragraphs.
2. Transferee shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Within 120 days after this order is effective, adopt Transferor's tariffs and file new tariffs and timetables for the extended service, state in them when the service will start, make them effective 10 or more days after this order is effective, and allow at least 10 days' notice to the Commission.
 - c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
 - d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
 - e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
 - f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
 - g. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.
3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that its evidence of

insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The CPCN granted to Transferor by Decision 03-02-056 is revoked on the date Transferee is notified that it may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-17162, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated March 16, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-17162

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Mohammad Yoonos, an individual, by Decision 03-02-056.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authority granted to Mohammad Yoonos, an individual.

Discount Shuttle L.L.C., a limited liability company, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between points and places as described in Section II, over and along the routes described in Section III, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call", as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination at an airport described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

A. Counties

Los Angeles County
Orange County
San Bernardino County
Riverside County
Ventura County
San Diego County

B. Airports

Los Angeles International Airport (LAX)
Ontario International Airport (ONT)
John Wayne Airport (SNA)
Burbank Airport (BUR)
Long Beach Airport (LGB)
San Diego International Airport (SAN)
Palm Springs Airport (PSP)

SECTION III. ROUTE DESCRIPTIONS.

Route 1 – Airports - Los Angeles/Orange/San Bernardino/Riverside/Ventura Counties

Commencing from any point in the Counties of Los Angeles, Orange, San Bernardino, Riverside, and Ventura, then over the most convenient streets, expressways, and highways to LAX, ONT, SNA, BUR, and LGB, as described in Section IIB.

Route 2 – Airports – San Diego County

Commencing from any point in San Diego County, then over the most convenient streets, expressways, and highways to LAX, ONT, and SNA, as described in Section IIB.

Route 3 – Airport-to-Airport Service

Commencing from any airport described in Section IIB, then over the most convenient streets, expressways, and highways to any other airport described in Section IIB.